United Nations CEDAW/SP/2000/4

Convention on the Elimination of All Forms of Discrimination against Women

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Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women
Eleventh meeting
New York, 31 August 2000
Item 6 of the provisional agenda*
Other matters

Letter dated 3 March 2000 from the representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia to the United Nations addressed to the Secretary-General

Upon instructions of our respective Governments, we should like to refer to the document containing the report of the Secretary-General on the status of submissions of reports by States parties under article 18 of the Convention (CEDAW/C/2000/I/2) and related documents. In annex II of the document "Yugoslavia" is listed as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, whose report was due on 28 March 1991, and subsequently submitted on 14 October 1998.

Evidently, an error has occurred in the above-mentioned document and related documents, whereby two different States (i.e., two different subjects of international law) have been equated. The State required to submit a report in 1991 was the Socialist Federal Republic of Yugoslavia — which ceased to exist in 1992 — while the State that actually submitted the report in 1998 is one of its five successors, i.e., the Federal Republic of Yugoslavia (Serbia and Montenegro). The distinction between the two States is not evident from the Committee documents. Presumably, the error occurred because the same abbreviated name of "Yugoslavia" has been used by both the Socialist Federal Republic of Yugoslavia and the Federal Republic of Yugoslavia.

Over the years, our respective Governments have drawn the attention of various depositories of international treaties to the fact that two different States have been using the same abbreviated name "Yugoslavia", calling at the same time for due clarification. Unless clarified, usage of the abbreviated name "Yugoslavia" may lead to errors, such as the one contained in document CEDAW/C/2000/I/2 and related

* CEDAW/SP/2000/1.

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documents. As a result of these errors, the equal rights of the remaining four equally legitimate successor States to the former Socialist Federal Republic Of Yugoslavia (i.e., Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia) could adversely be affected.

The practice of some depositories is to place an asterisk above the abbreviation "Yugoslavia" with an explanatory footnote explaining which subject of international law is being referred to in the text, and when it has become a State party to the treaty. Other depositories, while waiting for the Federal Republic of Yugoslavia to become a State party to the treaty in accordance with its provisions or relevant rules of international treaty law, simply deleted "Yugoslavia" (Socialist Federal Republic of Yugoslavia) from lists of State parties, because that State ceased to exist as a legal personality.

In this connection, we would like to draw your attention to Security Council resolution 777 (1992) which confirmed the fact that the Socialist Federal Republic of Yugoslavia had ceased to exist. Furthermore, this Security Council resolution and General Assembly resolution 47/1 state that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore decides that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations ...". The two principal organs of the United Nations thereby confirmed the findings of the Arbitration Commission of the European Union/United Nations Conference on the former Socialist Federal Republic of Yugoslavia, namely that the former Socialist Federal Republic of Yugoslavia has dissolved and ceased to exist, as well as that none of its five equally legitimate successor States continues its legal personality.

Our respective Governments do not contest the responsibility of the Federal Republic of Yugoslavia to honour, as a successor State, treaty obligations of our common predecessor, i.e., the Socialist Federal Republic of Yugoslavia. Relevant rules of general international law relating to the succession of treaties in the case of the dissolution of a predecessor State require, in general, from all successor States to continue to honour treaty obligations of their common predecessor State. The successor States to the former Socialist Federal Republic of Yugoslavia even adopted the general declaration to that effect (e.g., Croatia and Slovenia on 25 June 1991, and the Federal Republic of Yugoslavia on 27 April 1992).

In view of the fact that the Federal Republic of Yugoslavia has never submitted an initial report to the Committee, our respective Governments request that document CEDAW/C/2000/I/2 be corrected in a manner that clearly indicates that the report submitted on 14 October 1998 was submitted by the Federal Republic of Yugoslavia as its initial report. As stated above, the Federal Republic of Yugoslavia is entitled to submit the report as a part of its responsibility to honour the treaty obligations of its predecessor, i.e., the Socialist Federal Republic of Yugoslavia.

In this regard, we would like to emphasize that, pursuant to general international law and practice, successor States do not enjoy automatically the status of their predecessor State in international treaties. Successor States are entitled to that status, but they are not treated as State parties unless they have deposited a notification on succession or adhered to these treaties in another legally acceptable manner. Upon the undertaking of such treaty action, the depositary is in a position to include the fuli official name of a successor State and the date from which it became

a State party in the list of State parties to the treaty and other treaty-related documents.

We should like to request your assistance in circulating the present letter to State parties to the Convention on the Elimination of All Forms of Discrimination against Women.

(*Signed*) Muhamed **Sacirbey**
Ambassador
Permanent Representative of
Bosnia and Herzegovina

(*Signed*) Ivan **Šimonovic**
Ambassador
Permanent Representative
of the Republic of Croatia

(*Signed*) Donka **Gligorova**
Chargé d'affaires a.i.
Permanent Mission of the
Republic of Macedonia

(*Signed*) Samuel **Zbogar**
Chargé d'affaires a.i.
Permanent Mission of
the Republic of Slovenia

United Nations CEDAW/SP/2000/5

Convention on the Elimination of All Forms of Discrimination against Women

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Meeting of States Parties to the Convention on the Elimination of All Forms of Discrimination against Women
Eleventh meeting
New York, 31 August 2000

Convention on the Elimination of All Forms of Discrimination against Women

Results of the nineteenth to twenty-third sessions of the Committee on the Elimination of Discrimination against Women

Since the tenth meeting of the States parties, on 17 February 1998, the Committee on the Elimination of Discrimination against Women has held five sessions, namely the nineteenth, from 22 June to 10 July 1998; twentieth, from 19 January to 5 February 1999; twenty-first, from 7 to 25 June 1999; twenty-second, from 17 January to 4 February 2000; and twenty-third, from 12 to 30 June 2000. During those sessions, the Committee adopted one general recommendation (24), on article 12 of the Convention;[1] two statements, one on reservations to the Convention[2] and the other on the legal framework for the implementation of the Beijing Declaration and Platform for Action and the links between the Convention and the Platform for Action.[3] It also adopted 13 decisions and 2 suggestions, as follows:

A. Nineteenth session

Decision 19/I
Timing of pre-session working group[4]

The Committee, at its eighteenth session, decided to effect a transition to a pattern of work in which the pre-session working group meets at the session prior to which the reports before that pre-session will be considered. The Committee therefore decided that, in order for the transition to this new pattern of work to be effected smoothly, the pre-session working group for the twenty-first session would meet as a third working group during the twentieth session and would remain, if necessary, for up to three days after the twentieth session to consolidate the lists of issues and questions with respect to the reports to be considered at the twenty-first session.

Decision 19/II
Concluding comments[4]

The Committee decided to revise its procedures and format for the elaboration of concluding comments with a view to streamlining the comments, while retaining flexibility (see paras. 395 to 397).

Decision 19/III
List of issues and questions for consideration of periodic reports[4]

The Committee requested the Secretariat to prepare drafts, lists of issues and questions with regard

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to periodic reports, based on an analytical comparison of current States parties' reports, with previous reports and the Committee's discussion thereon and other relevant information, including concluding observations of other treaty bodies. The draft lists prepared by the Secretariat would be sent in advance of the meeting of the pre-session working group to those Committee members designated as country rapporteurs.

B. Twentieth session

Decision 20/I
Non-governmental organizations[5]

Recalling its decisions 18/I and 18/II, adopted at its eighteenth session, the Committee on the Elimination of Discrimination against Women decided that representatives of national and international non-governmental organizations should be invited to provide country-specific information on States parties whose reports are before the Committee in an informal meeting of the Working Group of the Whole.

C. Twenty-first session

Decision 21/I
Exceptional reports[6]

The Committee decided that it may sometimes be necessary to request exceptional reports from States parties, under article 18.1 (b) of the Convention, in order to obtain and examine the information on an actual or potential violation of women's human rights, where there is special cause for concern about such violation. In this respect, the Committee decided to adopt the following standards and guidelines:

(a) There should be reliable and adequate information indicating grave or systematic violations of women's human rights;

(b) Such violations are those that are gender-based or directed at women because of their sex;

(c) Reports should focus on a particular issue or issues identified by the Committee;

(d) States parties shall submit their reports for consideration at such session as the Committee determines.

Decision 21/II
Observations by States parties on concluding comments[6]

The Committee decided that observations by States parties on concluding comments will be circulated to members of the Committee and their receipt acknowledged in an annex to the Committee's next annual report to the General Assembly. The Committee may decide to make available such observations independently of its annual report.

Suggestion 21/I
Report on efforts towards universal ratification, timely reporting and the acceptance of the amendment to article 20.1 of the Convention[7]

The Committee suggested that a report be provided at each session of the Committee on efforts by the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women with regard to universal ratification, timely reporting and acceptance of the amendment of article 20.1 of the Convention.

D. Twenty-second session

Decision 22/I
Reports of States parties[8]

The Committee decided that the Chairperson should address letters to those States parties that have not submitted two or more reports required under article 18 of the Convention recalling their treaty obligations in this regard.

Decision 22/II
List of issues and questions of the pre-session working group[8]

The Committee decided that the list of issues and questions forumlated by the pre-session working group on States parties whose reports are under consideration and the responses of those States thereto should be circulated to experts prior to the session at which the reports are to be examined.

Decision 22/III
Provision of information by States parties[8]

The Committee decided that States parties presenting reports that wish to provide additional information through audio-visual or electronic means, including video, film and slides, should inform the Committee through the Secretariat of their intention to do so at least one month in advance of the presentation of their reports to the Committee.

Decision 22/IV
Pre-session working group[8]

The Committee decided that in drawing up the list of issues and questions with regard to periodic reports, the pre-session working group should formulate a short list of questions and issues focusing, if possible, on major areas of concern in regard to implementation of the Convention by States parties.

E. Twenty-third session

Decision 23/I
Overdue reports required under article 18 of the Convention

The Committee decided on an exceptional basis and as a temporary measure in order to address the backlog of reports awaiting consideration and to encourage States parties to fulfil their reporting obligations within article 18 of the Convention, to invite States parties with overdue reports to combine outstanding reports in a single document. The Committee decided that the Secretariat should inform the relevant States parties of this decision.

Decision 23/II
General recommendation on article 4 of the Convention

The Committee decided to prepare a general recommendation on article 4 of the Convention. Bearing in mind the Committee's three-stage process for the preparation of general recommendations adopted at its seventeenth session, the Committee decided that a general discussion and exchange of views with specialized agencies, other bodies of the United Nations system and non-governmental organizations should take place during its twenty-fourth session, in January/February 2001.

Decision 23/III
Revised rules of procedure

The Committee decided to adopt the revised rules of procedure [CEDAW/C/2000/II/WG.1/WP.1] as to substance, but subject to editing by the Secretariat, in consultation with Ms. Silvia Cartwright. The rules of procedure would be adopted in final form at the twenty-fourth session of the Committee, in January/February 2001.

Suggestion 23/I

Taking into account article 20.1 of the Convention, the Committee requested that the Secretariat explore the possibility of the Committee holding one of its regular sessions in 2002 or 2003, such as the twenty-sixth or twenty-eighth session, outside United Nations Headquarters, and in particular in the Asia-Pacific region, in order to facilitate the consideration of the initial or periodic reports of States parties from that region.

Notes

[1] See *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38* (A/54/38/Rev.1), chap. I, sect. A.

[2] Ibid., *Fifty-third session, Supplement No. 38* (A/53/38/Rev.1), part II, chap. I, sect. A.

[3] Ibid., A/55/38, chap. I, sect. A.

[4] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I, sect. B.

[5] Ibid., *Fifty-fourth Session, Supplement No. 38* (A/54/38/Rev.1), part one, chap. I, sect. B.

[6] Ibid., part two, chap. I, sect. A.

[7] Ibid., sect. B.

[8] A/55/23, chap. I, sect. A.

United Nations CEDAW/SP/2000/6

Convention on the Elimination of All Forms of Discrimination against Women

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Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women
Eleventh meeting
New York, 31 August 2000

Report of the meeting of States parties

1. The eleventh meeting of the States parties was called to order on 31 August 2000 by the representative of the Secretary-General, Ms. Angela E. V. King, Assistant Secretary-General, Special Adviser on Gender Issues and the Advancement of Women, who acted as the temporary Chairperson.

2. The Assistant Secretary-General made a statement on behalf of the Secretary-General, in which she drew attention to several recommendations which were adopted by the General Assembly at its twenty-third special session entitled "Women 2000: gender equality, development and peace for the twenty-first century", in which the Assembly reviewed the implementation of the Beijing Platform for Action and decided on further actions and initiatives for its implementation. She noted that Governments had committed themselves to the principles of the Convention on the Elimination of All Forms of Discrimination against Women, as well as to its implementation, and had agreed to create and maintain a non-discriminatory and gender-sensitive legal environment by 2005. Governments had also agreed to eliminate legislative gaps that left women and girls without protection of their rights and without effective recourse against gender-based discrimination and to ensure universal ratification of the Convention, the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention, relating to the meeting time of the Committee on the Elimination of Discrimination against Women. While expressing disappointment that the target of universal ratification of the Convention by the year 2000, agreed by the Fourth World Conference on Women, had not been achieved, the Assistant Secretary-General said that it had been noted at the special session that the fact that 165 States parties had ratified or acceded to the Convention was one of the achievements in the implementation of the Platform for Action. She also stated that the adoption by the General Assembly at its fifty-fourth session of the Optional Protocol to the Convention granting individuals and groups of women who had exhausted domestic remedies the right to submit petitions alleging violations of the Convention to the Committee on the Elimination of Discrimination against Women was a significant achievement in the implementation of the Platform for Action.

3. The Assistant Secretary-General reported that 43 States parties to the Convention had signed the Optional Protocol and 5 had submitted instruments of ratification or accession. She indicated that the Secretariat was preparing for the entry into force of the Optional Protocol and was fully committed to supporting the Committee as it developed the procedures necessary for the instrument's administration.

4. She further observed that, since the tenth meeting of the States parties, on 17 February 1998, the

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Committee had held five sessions. In addition to considering the reports of 37 States parties, the Committee had adopted its twenty-fourth general recommendation on article 12 to the Convention concerning women and health. It had also adopted a statement on reservations and a statement on the legal framework for the implementation of the Beijing Platform for Action and the links between the Convention and the Platform. The Committee had revised its rules of procedure, which would be adopted in final form at its twenty-fourth session, in January 2001. During the five sessions the Committee had adopted a number of important decisions and suggestions, including to convene its pre-session working group, which drew up the lists of issues and questions with regard to periodic reports prior to the session at which these reports were to be considered; and to ensure that the lists of issues and questions on periodic reports focused as much as possible on major areas of concern with respect to implementation of the Convention in States parties. The Committee had also revised its procedures and format for drawing up of concluding comments and had adopted procedures with regard to observations by States parties on concluding comments as well as deciding on guidelines on the situations in which exceptional reports should be requested from States parties.

5. The Assistant Secretary-General reported that there were 236 overdue reports and that at its twenty-third session the Committee had decided, on an exceptional basis and as a temporary measure, to invite States parties with overdue reports to combine them in a single document. She urged those States parties concerned, particularly those that had never reported, to implement the decision. In addition, she reminded the States parties that technical and advisory services with regard to the Convention and Optional Protocol were available on request through the Division for the Advancement of Women. She also urged States parties to accept the amendment to article 20, paragraph 1, concerning the meeting time of the Committee.

6. Following the statement of the temporary Chairperson, Ambassador Mohamed Sacirbey (Bosnia and Herzegovina) was elected Chairperson of the meeting. Mr. Fesseha A. Tessema (Ethiopia), Ms. Atsuko Nishimura (Japan), Ambassador Claudia Fritsche (Liechtenstein) and Mr. Luis Raúl Estévez-López (Guatemala) were elected Vice-Chairpersons. The provisional agenda (CEDAW/SP/2000/1) was adopted.

7. In accordance with article 17, paragraphs 4 and 5, of the Convention, the States parties elected by secret ballot 11 members of the Committee on the Elimination of Discrimination against Women, of whom 4 were current members proposed for re-election. The experts re-elected were: Feride Acar (Turkey); María Yolanda Ferrer Gómez (Cuba); Aída González Martínez (Mexico); and Hanna Beate Schöpp-Schilling (Germany). The new members were: Sjiamsiah Achmad (Indonesia); Regina Tavares Da Silva (Portugal); Françoise Gaspard (France); Fatima Kwaku (Nigeria); Göran Melander (Sweden); Asha Rose Mtengeti-Migiro (United Republic of Tanzania); and Heisoo Shin (Republic of Korea). The list of candidates and their curricula vitae were contained in documents CEDAW/SP/2000/3 and CEDAW/SP/2000/3/Add.1.

8. The meeting had before it document CEDAW/SP/2000/2, submitted pursuant to article 28 of the Convention, which provides that "the Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made at the time of ratification or accession". This article also provides that the Secretary-General shall inform all States of any reservations, declarations, objections and notification of withdrawal of reservations to the Convention. The document also contains a list of those States parties that had deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, as well as those that had signed and ratified the Optional Protocol to the Convention.